

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES 1 6
2. AMENDMENT/MODIFICATION NO. M253		3. EFFECTIVE DATE 01/05/2010		4. REQUISITION/PURCHASE REQ. NO.	
5. PROJECT NO. (If applicable)					
6. ISSUED BY CODE		7. ADMINISTERED BY (If other than Item 6) Code			
U.S. Department of Energy Brookhaven Site Office 53 Bell Avenue, Building 464 Upton, NY 11974-5000					
8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) Brookhaven Science Associates, LLC 25 Brookhaven Avenue Building 460 Upton, New York 11973-5000				<input checked="" type="checkbox"/> 9.A. AMENDMENT OF SOLICITATION NO. <input type="checkbox"/> 9.B. DATED (SEE ITEM 11) <input checked="" type="checkbox"/> 10.A. MODIFICATION OF Contract/Order NO. DE-AC02-98CH10886 <input type="checkbox"/> 10.B. DATED (SEE ITEM 13) 01/05/1998	
CODE N/A		FACILITY CODE N/A			

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning ___ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

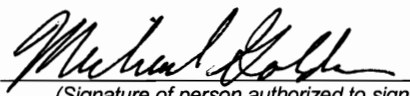
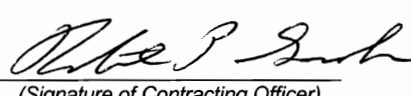
12. ACCOUNTING AND APPROPRIATION DATA (If required)
 N/A

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.	
A.	THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B.	THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Secretarial Direction, 41 U.S.C. 253(c)(3)(B) and mutual agreement of the parties.
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section heading, including solicitation/contract subject matter where feasible.)

The purpose of this Modification is to extend the contract an additional five years and establish the fee amount for the remaining term of the contract. This modification also revises the contract to incorporate appropriate updates that have occurred since the last modification. Accordingly, the entire contract is attached with the applicable sections of the contract revised. The details of these revisions are provided on the following pages.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael Goldman Secretary and General Counsel		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Robert P. Gordon Contracting Officer	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
 (Signature of person authorized to sign)	12/30/09	BY  (Signature of Contracting Officer)	1-4-10

Said contract, as modified previously, is hereby further modified as follows:

- 1. Part I, Section B.3 – Performance and Other Incentive Fees:** The fee schedule is revised to reflect the extension of the contract. Replace the prior version of Section B.3 with the revised language attached herein.
- 2. Part I, Section C – Description/Specs./Work Statement:** This section is revised to reflect the most current work scope, DOE new policies on Human Resource management as well as minor editorial corrections.
- 3. Part I, Section E.2 - Inspection and Acceptance Applicable Only To Recovery Act Work** – This section is revised with minor editorial corrections.
- 4. Part I, Section F.1 – Period of Performance:** The period of performance is revised to reflect the extension of the contract via modification. Therefore Section F.1 is replaced with the following language:

“This contract shall be effective as specified in Block No. 3 – Effective Date, of Standard Form 30 for this contract modification, except as otherwise provided, and shall continue up to and including January 4, 2015, unless sooner terminated according to its terms or extended in accordance with the appropriate FAR and DEAR provisions.”
- 5. Part I, Section F.3 – Stop Work and Shutdown Authority** is hereby added to this contract. Prior F.3 is renumbered to F.4.
- 6. Part I, Section G – Contract Administration Data:** This section is revised for minor editorial corrections to G2 and G3.
- 7. Part I, Section H – Contract Clauses, Table of Contents:** This section is revised to reflect the deletion of old Clauses H.3, H.29, H.30, H.31, H.32, H.33, H.36, H.37, H.40, H.41 addition of new Clauses H.3, H.13, H.21, H.22, H.23, H.32, H.38, H.41, and H.42 and the renumbering of several clauses. Also the following clauses have been revised as indicated in the numbered paragraphs listed below. The following clauses have been reserved: H.28, H.39, and H.40.
- 8. Clause H.1 - Facilities** – This clause is revised to reflect minor editorial corrections.
- 9. Clause H.3 - Contractor Assurance System:** This clause is added.
- 10. Clause H.4 - Advance Understandings Regarding Additional Items of Allowable and Unallowable Costs and Other Matters:** Minor editorial corrections, Parts I (f) and (i) are deleted and Part II (c) is added.
- 11. Clause H.7 – Privacy Act Records:** Add paragraphs (d), (e) and (f).
- 12. Clause H.8 - Additional Definitions:** Clause is revised in its entirety.
- 13. Clause H.13 – No Third Party Beneficiaries:** This clause is added.
- 14. Clause H.14 – Standards of Contractors Performance Evaluations:** minor editorial correction and add paragraph (c).
- 15. Clause H.20 – Guarantee of Performance:** This clause has been revised; the third paragraph has been moved to Clause H.21.
- 16. Clause H.21 – Responsible Corporate Officer:** This clause has been added; previously part of H.20.
- 17. Clause H.22 – Contractor Compensation - Pay and Benefits:** This clause has been added; it replaces a portion of the prior version (H.21) with the updated Appendix A provided herein to reflect new DOE Human Resources policies.

- 18. Clause H.23 – Post Contract Responsibilities for Pension and other Benefit Plans:** This clause has been added; it replaces a portion of the prior version (H.21) with the updated Appendix A provided herein to reflect new DOE Human Resources policies.
- 19. Clause H.26 - Workers' Compensation Insurance:** add new paragraphs (b) and (c).
- 20. Clause H.27 - Labor Relations:** add new paragraphs (a) and (b).
- 21. Clause H.32 - Lobbying Restriction (Energy and Water Development Appropriations Act, 2009):** This clause is added.
- 22. Clause H.38 – Addition and Alterations to Implement Executive Order 13423, Strengthening Federal Environmental, Energy, And Transportation Management and Its Implementing Instructions (DOE A.L. 2008-05):** This clause is added.
- 23. Clause H.39 - Reserved**
- 24. Clause H.40 - Reserved**
- 25. Clause H.41 - Green Purchasing -- Personal Computers:** This clause is added.
- 26. Clause H.42 - Green Purchasing Under DOE Service Contracts:** This clause is added.
- 27. Part II, Section I – Contract Clauses, Table of Contents:** This section is updated to reflect the addition of Clauses I.21A, I.22, I.28, I.50, and I.150; the deletion of old Clauses I.29B, I.41, I.56A, I.67, I.72, I.74A, and the renumbering of several clauses. Also, the following clauses have been revised as indicated in the numbered paragraphs listed below. The following clauses have been reserved: I.59, I.81, I.89, I.98, and I.99.
- 28. Clause I.1 – FAR 52.202-1 - Definitions (JUL 2004):** This clause has been revised with minor editorial corrections.
- 29. Clause I.2 – FAR 52.203-3 - Gratuities (APR 1984):** This clause has been revised with minor editorial corrections.
- 30. Clause I.3 - FAR 52.203-5 - Covenant Against Contingent Fees (APR 1984):** This clause has been revised by deleting paragraph (c).
- 31. Clause I.4 - FAR 52.203-6 - Restrictions on Subcontractor Sales to the Government (SEPT 2006):** This clause has been revised with minor editorial corrections.
- 32. Clause I.5 - FAR 52.203-7 - Anti-Kickback Procedures (JUL 1995):** paragraph (5) is revised.
- 33. Clause I.13 - FAR 52.204-7 - Central Contractor Registration (APR 2008):** This clause has been revised; replace the prior version with the updated version.
- 34. Clause I.21A - FAR 52.215-14 - Integrity of Unit Prices (OCT 1997):** This clause is added.
- 35. Clause I.22 - FAR 52.215-23 - Limitations on Pass-Through Charges (OCT 2009):** This clause is added.
- 36. Clause I.25 - FAR 52.219-9 - Small Business Subcontracting Plan (APR 2008):** This clause has been revised; replace the prior version with the updated version.

- 37. Clause I.27 – FAR 52.219-25 - Small Disadvantaged Business Participation Program-Disadvantaged Status and Reporting (APR 2008):** This clause has been revised; replace the prior version with the updated version.
- 38. Clause I.28 – FAR 52.219-28 – Post-Award Small Business Program Representation (APR 2009):** This clause is added.
- 39. Clause I.40 – FAR 52.222-50 - Combating Trafficking in Persons (FEB 2009):** This clause has been revised; replace the prior version with the updated version.
- 40. Clause I.43 - FAR 52.223-5 - Pollution Prevention and Right-To-Know Information (AUG 2003) (Alternate I) (AUG 2003) Modified by Acquisition letter 2008-05:** This clause has been revised; replace the prior version with the updated version.
- 41. Clause I.44 – FAR 52.223-10 - Waste Reduction Program (AUG 2000) Modified by Acquisition letter 2008-05:** This clause has been revised; replace the prior version with the updated version.
- 42. Clause I.50 – FAR 52.223-17 - Affirmative Procurement of EPA Designated Items in service and Construction Contracts (MAY 2008):** This clause is added.
- 43. Clause I.53 – FAR 52.225-1 - Buy American Act-Supplies (FEB 2009) (Deviation):** This clause has been revised; replace the prior version with the updated version.
- 44. Clause I.55 – FAR 52.225-9 - Buy American Act- Construction Materials (FEB 2009):** This clause has been revised; replace the prior version with the updated version.
- 45. Clause I.56 – FAR 52.225-13 - Restrictions on Certain Foreign Purchases (JUN 2008):** This clause has been revised; replace the prior version with the updated version.
- 46. Clause I.59 – Reserved**
- 47. Clause I.62 - FAR 52.230-2 - Cost Accounting Standards (OCT 2008):** This clause has been revised; replace the prior version with the updated version.
- 48. Clause I.63 – FAR 52.230-6 - Administration of Cost Accounting Standards (MAR 2008):** This clause has been revised; replace the prior version with the updated version.
- 49. Clause I.64 – FAR 52.232-17 - Interest (OCT 2008):** This clause has been revised; replace the prior version with the updated version.
- 50. Clause I.74 – FAR 52.244-6 - Subcontracts for Commercial Items (AUG 2009):** This clause has been revised; replace the prior version with the updated version.
- 51. Clause I.81 – Reserved**
- 52. Clause I.87 - DEAR 952.204-2 - Security (AUG 2009):** This clause has been revised; replace the prior version with the updated version.
- 53. Clause I.89 – Reserved**
- 54. Clause I.93 - DEAR 952.209-72 - Organizational Conflicts Of Interest (AUG 2009) (Alternate I):** This clause has been revised; replace the prior version with the updated version.
- 55. Clause I.98 – Reserved**

56. Clause I.99 – Reserved

57. Clause I.103 – DEAR 952.247-70 - Foreign Travel (AUG 2009): This clause has been revised; replace the prior version with the updated version.

58. Clause I.115 - DEAR 970.5215-3 - Conditional Payment of Fee, Profit, and Other Incentives – Facility Management Contracts (AUG 2009): This clause has been revised; replace the prior version with the updated version.

59. Clause I.120 - DEAR 970.5223-2 - Affirmative Procurement Program (MAR 2003) Modified by DOE Acquisition Letter 2008-05: This clause has been revised; replace the prior version with the updated version.

60. Clause I.122 – DEAR 970.5223-5 – DOE Motor Vehicle Fleet Fuel Efficiency (OCT 2003); Modified by DOE Acquisition Letter 2008-05: This clause has been revised; replace the prior version with the updated version.

61. Clause I.133 - DEAR 970.5228-1 - Insurance--Litigation and Claims (AUG 2009) (Deviation): This clause has been revised; replace the prior version with the updated version.

62. Clause I.139 – DEAR 970.5232-4 - Obligation of Funds (DEC 2000): The first sentence of paragraph (a) is revised to read as follows: “The amount presently obligated by the Government with respect to this Contract is \$6,300,503,235.49.”

The following is a history of the change in the obligated amount since the last M Modification that updated Clause I.139.

PRIOR OBLIGATION M245	\$5,915,284,596.32
INCREASE IN MOD A246	\$ 198,208.52
INCREASE IN MOD A247	\$ 231,572.04
INCREASE IN MOD A248	\$ 778,116.00
INCREASE IN MOD A249	\$ 145,631.07
DECREASE IN MOD A250	\$ (129,549.18)
INCREASE IN MOD A251	\$ 145,000.00
INCREASE IN MOD A252	<u>\$ 383,849,660.72</u>
CURRENT TOTAL OBLIGATION:	\$6,300,503,235.49

63. Clause I.146 - DEAR 970.5242-1 - Penalties for Unallowable Costs (AUG 2009): This clause has been revised; replace the prior version with the updated version.

64. Clause I.148 - DEAR 970.5244-1 - Contractor Purchasing System (AUG 2009): This clause has been revised; replace the prior version with the updated version.

65. Clause I.150 – FAR 52.222-54 – Employment Eligibility Verification (JAN 2009): This clause is added.

66. Part III, List of Documents, Exhibits and Other Attachments, Section J, Table of Contents: The Table of Contents is revised to replace the prior version with the updated version.

67. Attachment J.1, Appendix A – Advance Understandings on Human Resources: is revised in its entirety to reflect the most current DOE policies on Human Resource management.

68. Attachment J.3, Appendix C, Special Financial Institution Account – This section has been revised to amend the terms of the agreement in accordance with the extension of the contract.

69. Attachment J.9, Appendix I – DOE Directives: The DOE Directives list identified as Modification M237 has been revised; replaced the prior version with the attached Appendix I, identified as Modification M253. The revisions are as follows:

- (a) Order 251.1C – DEPARTMENTAL DIRECTIVE PROGRAM – added.
Cancels: DOE Orders 251.1B
- (b) Order 413.3A – Change 1 CRD PROGRAM AND PROJECT MANAGEMENT FOR THE ACQUISITION OF CAPITAL ASSETS IDENTIFYING CLASSIFIED INFORMATION – added; modifies Order 413.3A.
- (c) M470.405 - CRD Personnel Security – Canceled
- (d) In addition, Notice 205.2, Notice 205.3, Notice 205.8, Notice 205.9, Notice 205.10, and Notice 205.11 Canceled

Attachments:

Entire Contract